

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERIK DEMETRIUS WHITE,

Plaintiff,

v.

DOUGLAS COUNTY JAIL AND
KEITH TANULA,

Defendants.

ORDER

Case No. 14-cv-759-wmc

Plaintiff Erik Demetrius White has submitted an inmate trust fund account statement for the period that he was in custody before he filed the complaint in this case. Accordingly, the court must determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the \$350.00 fee for filing this case.

In determining whether a prisoner litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner litigant must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to the prisoner's account in the six-month period immediately preceding the filing of the complaint.

Plaintiff was only in custody for about two months before he filed his complaint. Using information for the relevant time period from plaintiff's account statement, I calculate plaintiff's initial partial filing fee to be \$134.99. That is the amount plaintiff will be assessed as an initial partial payment of the filing fee. For this case to proceed, plaintiff must submit this amount on or before December 15, 2014.

ORDER

IT IS ORDERED that,

1. Plaintiff Erik Demetrius White is assessed \$134.99 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$134.99 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before December 15, 2014.

2. If, by December 15, 2014, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing his case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the PLRA, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 25th day of November, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge